

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DAVALOUS JAMON BROWN,

Plaintiff,

vs.

No. 2:17-cv-00944-JB-JHR

LAS CRUCES POLICE DEPARTMENT, et al.,

Defendants.

SUGGESTION OF DEATH

COME NOW Defendants, Officer Brad Lunsford, former Police Chief Jaime Montoya (now deceased), and Mayor Ken Miyagishima in their individual/personal capacities¹, by and through their counsel of record (Mark D. Standridge, Deputy City Attorney for the City of Las Cruces), and pursuant to FED. R. CIV. P. 25(a), respectfully give notice to the Court and to plaintiff that former Chief Montoya passed away on January 3, 2019.

Respectfully submitted,

/s/ Mark D. Standridge
Mark D. Standridge
City of Las Cruces
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¹ In its prior *Memorandum Opinion and Order*, Doc. No. 18 (filed May 7, 2018), p.6, this Court concluded that plaintiff “has initiated a personal capacity suit rather than an official capacity suit against the individual Defendants.” This Court also determined that plaintiff had not named the City of Las Cruces itself, dismissed plaintiff’s claims against the Las Cruces Police Department, and determined that plaintiff had not pleaded a claim under *Monell v. Dep’t of Soc. Serv. of City of New York*, 436 U.S. 658 (1978). Doc. No. 18, at pp.15-16, 24.

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of January, 2019, I served a true and correct copy of the foregoing via U.S. Mail in a properly addressed and stamped envelope to:

Davalous Jamon Brown, #80798
Plaintiff *pro se*
NENMDF
185 Dr. Michael Jenkins Rd.
Clayton, NM 88415

/s/ Mark D. Standridge
Mark D. Standridge
City of Las Cruces